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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,715	09/26/2001	Rabindranath Dutta	AUS920010319US1	9288

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EXAMINER

FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,715

Applicant(s)

DUTTA ET AL.

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-38 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 26-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 16-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Election/Restrictions

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4,5,13,16,17,19,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotvin et al. Blonder et al.

Lotvin et al. disclose electronically receiving an e-transaction proposal from a minor (block 604 system receives the child's selection col. 13 line 54). However, because the parental preferences are preset, there is messaging feature involved.

However, Blonder et al. disclose a transaction authorization system in which upon a purchase by one other than a card holder, an automatically created and electronically transmitted first message is generated (see col. 9, lines 11 et seq.). The method further is described as allowing parent approval prior to purchase by child (see col. 3, 32-42) The message describes the transaction in that as shown in Figs. 4 and 5, the description of the transaction is described in terms of when, how much, and who. The method of Blonder et al. further solicits the cardholder to enter a transaction authorization code to enable consummation of the proposed e-transaction (see col. 9 line 21). The pre-defined code then is sent back electronically as a reply message

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received by the validation means 106 to provide a transaction authorization code and e-transaction instructions (approval/disapproval message col. 9 line 19), and automatically executing the e-transaction instructions (step 705 validation automatically occurs).

It would be an obvious modification to the method of Lotvin et al. to include the Blonder et al. process because this would provide a more flexible method in that a case by case approval can be taken of products purchased as opposed to the more rigid pre-selection of certain products as taught by Lotvin et al.

RE claim 2: the authorization from the transaction processing center to the retailer is read as the third message which is relayed by the retailer to the child in Blonder et al. The motivation set forth above is repeated herein.

RE claim 4: predefined is read as server verifiable. The motivation set forth above is repeated herein.

Re claim 5: since the reply is based upon the transactional information-specific information of the transaction as set forth in Figs 4 and 5, the predefined code of Blonder et al. is read as transaction specific. The motivation set forth above is repeated herein.

Re claim 13: the page message in Blonder et al. does set forth information on the goods (see Figs 4 and 5). The motivation set forth above is repeated herein.

Claims 1,6-9, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotvin et al. in view Blonder et al. and further in view of Hawkins et al.

The above combination fail to provide a teaching for notifying the parent via e-mail. Hawkins et al. do disclose notifying parents of a problem with their child through e-mail or paging (see col. 12 lines 12-31. It would be obvious to modify the notification system of Blonder et al. and hence Lotvin et al. to use e-mail instead of paging because Hawkins et al. do disclose either as equivalents, and the use of email when on line is more expeditious.

Claims 1,10-12, 14, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotvin et al. in view Blonder et al. and further in view of Miller.

The above combination fails to disclose a clickable option menu which allow the user to select options to selectively reject items of the transaction e.g. alert level sensitivity as shown in Fig. 12C. It would be an obvious modification to this combination to include a clickable menu feature as taught by Miller in Lotvin et al. to provide the parent with an item specific approval/disapproval method because this would allow for more specific detailed control by the parent.

Claims 1,3, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotvin et al. in view Blonder et al. and further in view of Checchio. The above combination fails to disclose a reply message having a credit card number for

electronically funding. However, Checchio disclose control by a parent against use of credit card by family members col.6 lines 60-62 by using a code which releases the card number for purchase. It would be an obvious modification to this combination to include a message which releases the card number for purchase as taught by Checchio because this would expedite processing without need for verbal communication.

FINAL

ARGUMENTS

Applicant's arguments filed 1/28/05 have been fully considered but they are not persuasive. Applicant has amended the base claim to recite "soliciting the parent to authorize an e-transaction that comprises at least a part of the e-transaction proposal;" . The examiner believes this language to be covered by Blonder et al. The applicant seems to be interpreting Blonder to be a one sided transaction that is as between the card holder and the store without any third party application, such as found with a parent, child and store. This is not the case. Blonder et al. In col. 3 clearly sets forth that a message from the parent authorizing is required for the purchase by a minor. The language of Blonder is clear on this:

(14) According to another aspect of the invention, a merchant may request the approval of a parent or guardian to a debit/credit card transaction, such as a stored-value smartcard, presented to the merchant by a minor alleging to act on behalf of the parent or guardian. In that case, the card number, or a proxy thereof, may be used as a search key to retrieve the parent or guardian's profile that identifies a communications address for the parent or guardian. The transaction is approved only if an authorization message is received from the parent or guardian.

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In the case where the cardholder is a minor, for example, by requesting approval of the transaction from a parent or guardian of the minor (i.e., the authorized party), the merchant and the debit card issuer are assured that the transaction cannot be voided by the minor at a later date on the ground that the minor lacked legal competency to enter into such transaction.

The fact that the authorization in Blonder et al constitutes an authorization of the full transaction still meets applicant's claim language in that all that has been recited is "at least a part of the proposal" and the full proposal would include this lesser included feature of at least a part.

Applicant also argues at length against the motivation which exists for combining Lotvin et al. and Blonder et al. As is clear from the above excerpts, Blonder clearly contemplates use of the system for use with a minor, for example, by requesting approval of the transaction from a parent or guardian of the minor (i.e., the authorized party). Such purpose is exactly what has been contemplated in Lotvin et al. With such perfectly matched purposes, the motivation would be clear for the proposed combination.

Applicant argues no showing of the feature of claim 2, but the examiner has done so on the top of page 4 of the office action stating that the message from the processing center to the retailer relayed to the child by the retailer in Blonder et al is read as the third message.


Regarding the rejection of claims 1, 10-12, 14 and 25 using Miller, Miller is deemed to meet the limitation of selectively rejecting one or more of the items. The fact that the reference to Lotvin et al. teaches the one time selection /rejection of one or

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more items is the basis for using the selection process of Miller. Likewise the references to Hawkins et al and Checchio do also meet the limitations of involved claims in that the message aspect of the claims is deemed met by the combination of Lotvin et al and Blonder et al. and these references show the obviousness of the additional features.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.


Joseph A. Fischetti
Primary Examiner
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